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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Acknowledgements

1.   Claims 1-50 are currently pending.

Continued Examination Under 37 C.F.R. §1.114

2.   A request for continued examination under 37 C.F.R. §1.114, including the fee set forth

in 37 C.F.R. §1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R.

§1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 C.F.R. §1.114. Applicant's submission filed on 28 January 2008 has been entered.

Election of Species

3.   Applicant's election with traverse of Species A in the reply filed on 16 May 2008 is

acknowledged. The Examiner has considered Applicant's arguments but they were not

persuasive. However, the Examiner, upon review, has determined that the species are not

patentably distinct. Therefore the restriction requirement mailed 16 April 2008 is withdrawn.

4.   The Examiner has still addressed some of Applicant's arguments in regards to the

formerly presented Election of Species:

   a.   Applicant argued that the restriction was improper because there was no listing of

   claims representative of the species set out. However, the Examiner directs Applicants

   attention to MPEP 809.02(a) wherein it states " To be complete, <u>a reply</u> to a requirement

   made according to this section should include <u>a proper election</u> along with <u>a listing of all</u>

claims readable thereon, including any claims subsequently added." (emphasis added)

Therefore it is clearly Applicants responsibility to set out the claims that read on the

elected species. Form Paragraph 8.01 (Id.), which was used in the previous action,

contrary to Applicant's assertion that 8.22 was used, reiterates this requirement.

b.   Applicant indicated that claims 1-50 encompass Species A which is represented

by Figure 2. However, Figure 2 sets out multiple client systems (115, 265, and 270) and

at least claims 1, 3-7, 9-12, 14, 15, and 17-23 only claim a single client. Therefore, these

claims clearly are not part of Species A. If the Examiner had maintained the restriction

requirement, Applicant's response could have been deemed non-responsive.

c.   Applicants refer to "searches and examination which have already taken place"

(Remarks, Page 14). However, there have been changes in scope, as noted by the

Advisory Action dated 10 September 2007.

d.   Applicants argue that "FIG. 2 and FIG. 3 may overlap, and are therefore not

mutually exclusive, at least insofar as they both include elements corresponding to

elements of FIG. 1." (Remarks, page 16, partial paragraph) The Examiner respectfully

disagrees. The Applicant is reminded that it is the embodiments that are used to

determine whether or not there is mutual exclusivity. Two embodiments my have

elements in common and still have other elements that are mutually exclusive However

the aspects of Figure 2 are not disclosed in conjunction with the aspects of Figure 3.

Drawings

5.   The drawings are objected to under 37 C.F.R. §1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "third-party" (lines 2-3) as claimed in at least claim 1 and the "authentication mechanism" (line 3) in at least claim 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

6.   The elements of Figure 2 and Figure 3 are not shown in combination, but Applicant argues that they can be used in such a manner (Remarks, Page 16, partial paragraph)

7.   The structures shown in the figures do not agree with the manner in which the systems are claimed. For example, claim 34 recites, "wherein the secure electronic record server system comprises: an identifier generator…" However, the identifier generator **470** is shown as part of the secure electronic agent **400** and not as part of the server **120**. Appropriate correction is required.

8.   Being an agent, clearly element **400** does *not* fit into any of the whole embodiments as shown in Figures 1-3. However, one of ordinary skill in the art would not understand from the drawings how the agent **400** is part of the same invention as there is no relationship shown between it and any of the other components.

9.   The above noted deficiencies are intended to be representative of the problems with the drawings and most likely are not a complete list. Applicants are encouraged to review all of the drawings making the necessary changes to bring them into agreement with the specification and claims.

10.   Corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) are required in reply to
the Office action to avoid abandonment of the application. Any amended replacement drawing
sheet should include all of the figures appearing on the immediate prior version of the sheet,
even if only one figure is being amended. The figure or figure number of an amended drawing
should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure
must be removed from the replacement sheet, and where necessary, the remaining figures must
be renumbered and appropriate changes made to the brief description of the several views of the
drawings for consistency. Additional replacement sheets may be necessary to show the
renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an
application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"
pursuant to 37 C.F.R. §1.121(d). If the changes are not accepted by the examiner, the applicant
will be notified and informed of any required corrective action in the next Office action. The
objection to the drawings will not be held in abeyance.

Specification

11.   The specification is objected to as failing to provide proper antecedent basis for the
claimed subject matter. See 37 C.F.R. §1.75(d)(1), MPEP 2181, and MPEP § 608.01(o).
Correction of the following is required:

     e.   "Extensible Markup Language Encryption Standard" in at least claim 31;

     f.   "means for receiving a request to generate a secure electronic record" in at least
claim 40;

     g.   "means for generating the secure electronic record" in at least claim 40;

h.   "means for transmitting at least a portion of the secure electronic record" in at

least claim 40;

i.   "means for generating a hidden part of the secure electronic record" in at least

claim 41;

j.   "means for generating a visible part of the secure electronic record" in at least

claim 41;

k.   "means for authenticating the received data" in at least claim 42;

l.   "means for creating a digital signature" in at least claim 43;

m.   "means for encrypting at least a portion of the secure electronic record" in at least

claim 44;

n.   "means for providing an identifier for the secure electronic record" in at least

claim 45;

o.   "means for generating a secure electronic receipt" in at least claim 46;

Claim Rejections - 35 USC § 112 2ⁿᵈ Paragraph

12.   The following is a quotation of the second paragraph of 35 U.S.C. §112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

13.   Claims 2, 8, 13, 16, 21, 22, 25, 31, 35-46 are rejected under 35 U.S.C. §112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

14.   As to claims 2, 8, 13, 16; Applicant indicates the presence of more than one client,

however the claims they depend from only have a single client. One of ordinary skill in the art

would not understand the role of the original client in the multiple client arrangement. For

example, is the original client one of the plurality being claimed or is it in addition to the

plurality? For purposes of examination, the original client has been interpreted to be part of the

plurality.

15.   In claim 31, the phrase " Extensible Markup Language Encryption Standard " is

indefinite because–to one of ordinary skill in this art–the metes and bounds of the phrase can not

be reasonably determined. First, the Examiner has carefully reviewed the original specification

and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the

Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03.

Based upon this review and the review of the original specification, it is the Examiner's position

that the phrase " Extensible Markup Language Encryption Standard " (as used in the context of

these particular claim(s)) is not known to those of ordinary skill in this art. However, if

Applicant(s) believe that the phrase *is* old and well known in the art, Applicant(s) should (in their

next appropriately filed response) expressly state on the record that the phrase is old and well

known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon

receiving (1) Applicant(s)' express statement that the phrase is old and well known in the art and

(2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C.

§112 2nd paragraph rejection. Applicant is advised that referencing a general standard that may

be revised also gives rise to issues regarding the definiteness of a claim. If Applicant provides

the evidence as noted above, they are strongly encouraged to claim compliance with a particular

version, if one exists.

16.   As to claim 35, the terms "the client" and "a plurality of clients" both appear. One of

ordinary skill in the art would not understand the role of the client in regards to the plurality of

clients. For example, is the original client one of the plurality being claimed or is it in addition

to the plurality? For purposes of examination, "the client" has been interpreted to be part of the

plurality.

17.   Also, claim 35 recites, "a processor and logic executable thereon." As Applicant's

specification refers to logic in both a software and hardware sense, this claim is rendered

indefinite as one of ordinary skill in the art would not understand how to execute hardware logic

on a processor. The Examiner suggests that Applicant amend this claim and its dependents to

clearly show that this use of logic is software.

18.   As to claims 40-46, the corresponding structure of the means plus function phrases can

not be reasonably determined. The limitations:

    p.   "means for receiving a request to generate a secure electronic record" in at least

    claim 40;

    q.   "means for generating the secure electronic record" in at least claim 40;

    r.   "means for transmitting at least a portion of the secure electronic record" in at

    least claim 40;

    s.   "means for generating a hidden part of the secure electronic record" in at least

    claim 41;

    t.   "means for generating a visible part of the secure electronic record" in at least

    claim 41;

    u.   "means for authenticating the received data" in at least claim 42;

     v.   "means for creating a digital signature" in at least claim 43;

     w.   "means for encrypting at least a portion of the secure electronic record" in at least

claim 44;

     x.   "means for providing an identifier for the secure electronic record" in at least

claim 45;

     y.   "means for generating a secure electronic receipt" in at least claim 46;

have been interpreted as invoking 35 USC 112 6th paragraph. Accordingly, MPEP 2181(II)

states, "a claim limitation expressed in means-plus-function language "shall be construed to

cover the corresponding structure…described in the specification and equivalents thereof." "If

one employs means plus function language in a claim, one must set forth in the specification an

adequate disclosure showing what is meant by that language. If an applicant fails to set forth an

adequate disclosure, the applicant has in effect failed to particularly point out and distinctly

claim the invention as required by the second paragraph of section 112." and "The proper test for

meeting the definiteness requirement is that the corresponding structure (or material or acts) of a

means (or step)-plus-function limitation must be disclosed in the specification itself in a way that

one skilled in the art will understand what structure (or material or acts) will perform the recited

function." As noted above, the specification lacks antecedent basis for the claimed means-plus-

function language. Therefore, the corresponding structure cannot be determined by one of

ordinary skill in the art. As the structure cannot be ascertained from the specification and for

purposes of applying the prior art only, the Examiner has used the broadest reasonable

interpretation.

19.   As to claims 21, 22, and 25; one of ordinary skill in the art would not be able to

understand if the "special authority client system" or "tax collecting authority client"

corresponds to the client **115** or the special authority **130** as shown in Figures 1-3. If the first is

the intended interpretation, the Applicants are advised to show it clearly in their drawings. If the

second is the intended interpretation, it should not be referred to as a client. The Examiner has

interpreted these claims to require that the client be operable with the special authority.

Claim Rejections - 35 USC § 101

20.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

21.   Claims 14, 15, and 40-46 are rejected under 35 U.S.C. §101 because the claimed

invention is directed to non-statutory subject matter.

      z.   As to claims 14 and 15, a special authority or a tax collecting authority could be

      interpreted under the broadest reasonable interpretation to be a human being, such as an

      IRS agent. According to MPEP 2105, "If the broadest reasonable interpretation of the

      claimed invention as a whole encompasses a human being, then a rejection under 35

      U.S.C. 101 must be made indicating that the claimed invention is directed to nonstatutory

      subject matter."

      aa.   As to claims 40-46, the above noted means-plus-function limitations could be

      interpreted under the broadest reasonable interpretation to be merely software. As a

      server can be either hardware or software (see definition below) and the claims and

      specification lack sufficient structure to require a hardware interpretation, the claims

could, under the broadest reasonable interpretation be directed toward software, which is

non-statutory by itself.

Claim Rejections - 35 USC § 102

22.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

23.   Claims 1, 3-7, 10-12, 14, 15, and 17-23 as best understood, are rejected under 35

U.S.C. §102(b) as being anticipated by Lewis (US 6,233,565).

24.   As to claim 1, Lewis shows:

    bb.   A computer-implemented method comprising:

    cc.   receiving at a server system **4** a request to generate a secure electronic record **30**

        of a third- party transaction conducted independent of the server system **6** (Figure

        1), wherein the received request includes data associated with the third-party

        transaction (labeled as "BATCH" in Figure 1A);

    dd.   generating at a server system the secure electronic record of the third-party

        transaction (log as shown in step **206)**; and

    ee.   transmitting at least a portion of the secure electronic record to a client system (in

        the form of a receipt, Abstract).

25.   As to claim 3, Lewis further shows:

authenticating the received data associated with the third-party transaction (Column 5,

lines 11-26).

26.   As to claim 4, Lewis further shows:

generating a digital signature for the secure electronic record (Column 5, lines 30-32).

27.   As to claim 5, Lewis further shows:

encrypting at least a portion of the secure electronic record (encrypted e-mail, Column

11, lines 38-45).

28.   As to claim 6, Lewis further shows:

providing an identifier (license number) for the secure electronic record to uniquely

identify the secure electronic record (Column 11, lines 35-37).

29.   As to claim 7, Lewis further shows:

generating a secure electronic receipt of the third-party transaction ("The receipt includes

the client digital signature," Abstract)

30.   As to claim 10, Lewis further shows:

a digital signature corresponding to the data associated with the third-party transaction

   ("The receipt includes the client digital signature," Abstract).

31.   As to claim 11, Lewis further shows:

the secure electronic record is a secure electronic receipt (The receipt containing a digital

   signature is generated and transmitted and can be printed by the client. Clearly

   the receipt is electronic.; Abstract).

32.   As to claim 12, Lewis further shows:

receiving the data according to the HyperText Transfer Protocol (HTTP) (This is the

   standard when accessing a website with a browser such as the one described in

   column 2, lines 42-47)

33.   As to claim 14, Lewis further shows:

transmitting at least a portion of the secure electronic record to a special authority (postal

   authority such as Royal Mail, UPS, Federal Express, or USPS; Column 2, lines

   56-62).

34.   As to claim 15, Lewis further shows:

the special authority is a tax collecting authority ("tax stamp issuing authorities for state,

federal and other government agencies;" Column 38, lines 26-58).

35.   As to claim 17, Lewis further shows:

the received request defines a portion of the secure electronic record that is transmitted to

the client (the receipt contains some portion of the transaction data transmitted in

the request. Abstract).

36.   As to claim 18, Lewis further shows:

encrypting, at least a portion of, the generated secure electronic record of the third- party

transaction (Column 15, lines 61-64).

37.   As to claim 19, Lewis further shows:

obtaining a digital signature corresponding to the received data associated with the third-

party transaction (Column 15, lines 47-64).

38.   As to claim 20, Lewis further shows:

authenticating the received data associated with the third-party transaction (via digital

signature, Id.).

39.   As to claim 21, Lewis further shows:

   the client is a special authority client system (By registering and installing software on

        the client, it becomes operable with the special authority. Columns 15-16, lines 6-

        4).

40.   As to claim 22, Lewis further shows:

   the special authority client system is a tax collecting authority client system ("tax stamp

        issuing authorities for state, federal and other government agencies;" Column 38,

        lines 26-58).

41.   As to claim 23, Lewis further shows:

   maintaining a copy of the transmitted portion of the secure electronic record to validate

        the transfer of the secure electronic record (stored on log server **195**, described in

        column 35, lines 51-62).

Claim Rejections - 35 USC § 103

42.   The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

43.   Claims 2, 8, 13, 16, 24-28, as best understood, are rejected under 35 U.S.C. §103(a) as

being unpatentable over Lewis in view of MPEP 2144.04 V (C.).

44.   As to claims 2, 8, 13, and 16, Lewis disclosed as discussed above in regards to claim 1.

45.   Lewis does not expressly show the division of the tasks between multiple client systems

as set out in claims 2, 8, 13, and 16.

46.   However, MPEP 2144.04 V (C.) states that it is obvious to make components separable

"if it were considered desirable for any reason." In the instant case, it would be desirable to have

multiple clients receiving at least part of the transaction record to enable corporate billing

procedures where both the individual and the accounting office need a receipt. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the teachings of Lewis to have multiple clients as described above, in order to take the

burden off the individual for providing the receipt to the accounting office.

47.   As to claim 24, Lewis shows:

       A system comprising:

       a secure electronic record server system **4** to generate a secure electronic record **43**

              responsive to receiving data **via 30** associated with a third-party **6** transaction

              conducted independent of the secure electronic record server system (Figure 1)

48.   Lewis does not expressly show:

       a plurality of client systems coupled with the server system to receive the secure

              electronic record from the secure electronic record server system.

49.   However, MPEP 2144.04 V (C.) states that it is obvious to make components separable

"if it were considered desirable for any reason." In the instant case, it would be desirable to have

multiple clients receiving at least part of the transaction record to enable corporate billing

procedures where both the individual and the accounting office need a receipt. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the teachings of Lewis to have multiple clients as described above, in order to take the

burden off the individual for providing the receipt to the accounting office.

50.   As to claim 25, Lewis further shows:

        the plurality of client systems includes a tax collecting ("tax stamp issuing authorities for

                state, federal and other government agencies;" Column 38, lines 26-58) authority

                client system (By registering and installing software on the client, it becomes

                operable with the special authority. Columns 15-16, lines 6-4).

51.   As to claim 26, Lewis further shows:

        the secure electronic record is a secure electronic receipt (The receipt containing a digital

                signature is generated and transmitted and can be printed by the client. Clearly

                the receipt is electronic.; Abstract).

52.   As to claim 27, Lewis further shows:

        the secure electronic record server system is coupled with the plurality of client systems

                through the Internet **30**.

53.   As to claim 28, Lewis further shows:

        an authentication mechanism **315** to authenticate the received data associated with the

                third-party transaction.

54.   As to claims 30 and 31, Lewis further shows:

an encryption mechanism to encrypt at least a portion of the secure electronic record

(encrypted e-mail, Column 11, lines 38-45).

55.   As to claim 32, Lewis further shows:

a digital signature mechanism to verify that the received data associated with the third-

party transaction has not been altered (Column 5, lines 30-32).

56.   As to claim 34, Lewis further shows:

an identifier generator to provide a unique identifier for the secure electronic record

(indicium 74, as described in Column 18, lines 10-32).

57.   As to claim 35, Lewis shows:

ff.   An application server **4** comprising:

gg.   a network interface **112** to connect to a client system **2n**;

hh.   a processor and logic executable thereon (inherent on any hardware web server

such as 150) to receive from the client system a request to generate a secure

electronic record of a third-party transaction conducted independent of the

application server, wherein the received request includes data associated with the

third-party transaction (Figure 1A, arrow from 10n to 43),

ii.   generate a secure electronic record of the third-party transaction (log as shown in

step **206**), and

jj.   transmit at least a portion of the secure electronic record to a client; and a network

interface **112** to connect to at least one of the plurality of clients (in the form of a

receipt, Abstract).

58.   Lewis does not expressly show a plurality of clients.

59.   However, MPEP 2144.04 V (C.) states that it is obvious to make components separable

"if it were considered desirable for any reason." In the instant case, it would be desirable to have

multiple clients receiving at least part of the transaction record to enable corporate billing

procedures where both the individual and the accounting office need a receipt. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the teachings of Lewis to have multiple clients as described above, in order to take the

burden off the individual for providing the receipt to the accounting office.

60.   As to claim 36, Lewis further shows:

authenticate the received data associated with the third-party transaction (Column 5, lines

      11-26).

61.   As to claim 37, Lewis further shows:

reference a digital signature associated with the received data to determine whether the

      received data has been altered (Column 5, lines 30-32).

62.   As to claim 38, Lewis further shows:

encrypt at least a portion of the secure electronic record (encrypted e-mail, Column 11,

      lines 38-45).

63.   As to claim 39, Lewis further shows:

an identifier generator to provide a unique identifier for the secure electronic record

(encrypted e-mail, Column 11, lines 38-45).

64.   As to claims 40 and 41, Lewis shows:

kk.   An application server **4** comprising:

ll.   means for receiving a request to generate a secure electronic record of a third-

party transaction conducted independent of the server system **132**, wherein the

received request includes data associated with the third-party transaction;

mm.   means for generating the secure electronic record of the third-party transaction **43**;

and

nn.   means for transmitting at least a portion of the secure electronic record to a client

system **122**.

65.   Lewis does not expressly show a plurality of client systems.

66.   However, MPEP 2144.04 V (C.) states that it is obvious to make components separable

"if it were considered desirable for any reason." In the instant case, it would be desirable to have

multiple clients receiving at least part of the transaction record to enable corporate billing

procedures where both the individual and the accounting office need a receipt. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the teachings of Lewis to have multiple clients as described above, in order to take the

burden off the individual for providing the receipt to the accounting office.

67.   As to claim 42, Lewis further shows:

       means for authenticating the received data associated with the transaction **315**.

68.   As to claim 43, Lewis further shows:

       means for creating a digital signature associated with the generated secure electronic

              record to provide an indication of whether the generated secure electronic record

              has been altered (Column 5, lines 30-32).

69.   As to claim 44, Lewis further shows:

       means for encrypting at least a portion of the secure electronic record (encrypted e-mail,

              Column 11, lines 38-45).

70.   As to claim 45, Lewis further shows:

       means for providing an identifier for the secure electronic record to uniquely identify the

              secure electronic record (indicium 74, as described in Column 18, lines 10-32)

71.   As to claim 46, Lewis further shows:

       means for generating a secure electronic receipt for the third-party transaction (The

              receipt containing a digital signature is generated and transmitted and can be

              printed by the client. Clearly the receipt is electronic.; Abstract).

72.   As to claim 47, Lewis shows:

     oo.   An article of manufacture comprising:

     pp.   an electronically accessible medium providing instructions that, when executed by

           an apparatus, cause the apparatus to receive a request **via 30** to generate a secure

           electronic record of a third-party **6** transaction (Figure 1) conducted independent

           of the apparatus **4**,

     qq.   wherein the received request includes data associated with the third-party

           transaction (labeled as "BATCH" in Figure 1A);

     rr.   generate the secure electronic record of the third-party transaction (log as shown

           in step **206**); and

     ss.   transmit at least a portion of the secure electronic record to a client (in the form of

           a receipt, Abstract).

73.   Lewis does not expressly show a plurality of clients.

74.   However, MPEP 2144.04 V (C.) states that it is obvious to make components separable

"if it were considered desirable for any reason." In the instant case, it would be desirable to have

multiple clients receiving at least part of the transaction record to enable corporate billing

procedures where both the individual and the accounting office need a receipt. Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified the teachings of Lewis to have multiple clients as described above, in order to take the

burden off the individual for providing the receipt to the accounting office.

75.   As to claim 48. (Original)

encrypt the generated secure electronic record of the third-party transaction (encrypted e-

mail, Column 11, lines 38-45).

76.   As to claim 49, Lewis further shows:

obtain an electronic signature corresponding to the received data associated with the

third-party transaction (Column 5, lines 30-32).

77.   As to claim 50, Lewis further shows:

authenticate the received data associated with the third-party transaction (Id.).

78.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of

RFC 2617.

79.   Lewis teaches as disclosed above, but does not expressly teach:

an authentication token corresponding to the data associated with the third-party

transaction.

80.   However, Applicant admits that the token is disclosed in RFC 2617 (Specification,

paragraph [0041]). Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to have modified the teachings of Lewis to implement authentication

via a token in compliance with RFC 2617 because compliance with a standard allows greater

interoperability.

81.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis and the

MPEP 2144.04 V (C.) as applied to claim 28 above, and further in view of RFC 2617.

82.   Lewis and the MPEP 2144.04 V (C.) teach as disclosed above, but do not expressly

teach:

      the authentication mechanism implements, at least in part, Request For Comments 2617

            to authenticate the received data associated with the third-party transaction.

83.   However, authentication according to RFC 2617 is clearly disclosed in RFC 2617.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified the teachings of Lewis to implement authentication compliance with

RFC 2617 because compliance with a standard allows greater interoperability.

84.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis and the

MPEP 2144.04 V(C.) as applied to claim32 above, and further in view of RFC 3275.

85.   Lewis and the MPEP 2144.04 V (C.) teach as disclosed above, but do not expressly

teach:

      the digital signature mechanism implements, at least in part, Request For Comments 3275

            to verify that the received data associated with the third-party transaction has not

            been altered.

86.   However, verification according to RFC 2617 is clearly disclosed in RFC 2617.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to have modified the teachings of Lewis to implement verification compliance with

RFC 2617 because compliance with a standard allows greater interoperability.

Claim Interpretations

87.   Claims 24-46 are understood to be apparatus claims. As such, they are subject to

interpretation as outlined by MPEP § 2114, wherein it says, "While features of an apparatus may

be recited either structurally or functionally, claims directed to an apparatus must be

distinguished from the prior art in terms of structure rather than function" and "[A]pparatus

claims cover what a device is, not what a device does." While the Examiner has cited references

for the functional limitations that do not require an alteration of the structure for purposes of

compact prosecution, it is his principal position that these elements do not need to be shown in

order to show anticipation. It is suggested that the claims be amended to clearly show the

structural elements to prevent issues associated with this type of interpretation.

88.   Claims 40-46 are recognized as being in means-plus-function format and are treated in

accordance with 35 USC 112 6th paragraph. This allows Applicant to set out the appropriate

structure for the function, but does not give greater weight to the functional aspects.

Definitions

89.   To the extent that the Examiner's interpretations are in dispute with Applicants'

interpretations, the Examiner hereby adopts the following definitions—under the broadest

reasonable interpretation standard—in all his claim interpretations.[1] Moreover, while the

following list is provided in accordance with *In re Morris*, the definitions are a guide to claim

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[1] While most definition(s) are cited because these terms are found in the claims, the Examiner
may have provided additional definition(s) to help interpret words, phrases, or concepts found in
the definitions themselves or in the prior art.

terminology since claim terms must be interpreted in context of the surrounding claim language.

Finally, the following list is not intended to be exhaustive in any way:

    tt.   **Server**: "2. On the Internet or other network, a computer or program that responds

              to commands from a client." Computer Dictionary, 3rd Edition, Microsoft Press,

              Redmond, WA, 1997.

    uu.   **Client**: "3. On a local area network or Internet, a computer that accesses shared

              network resources provided by another computer (called a server)." Id.

    vv.   **Computer**: "Any machine that does three things: accepts structured input,

              processes it according to prescribed rules, and produces the results as output." Id.

Response to Arguments

90.   Applicant's arguments with respect to claims 1-50 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

91.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-

3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

92.   If attempts to reach the Examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

93.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. M.
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621